Decision for dispute CAC-UDRP-108708

Case number	CAC-UDRP-108708
Time of filing	2026-06-16 09:57:26
Domain names	nestle.website

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Societe des Produits Nestle

Complainant representative

Organization	Thomsen Trampedach GmbH

Respondent

Name	Yuse Takato

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant has provided evidence of its ownership of registered trademark rights in the trademark NESTLE in numerous jurisdictions:
- International registration No 793804, registered on December 10, 2002 in 44 classes;
- International registration No 1664732, registered on March 15, 2022 in 4 classes, designating and having effects in Japan.

The trademarks are still valid at present and their registration dates predate the registration date of the disputed domain name, <nestle.website>, registered on December 30, 2025.

FACTUAL BACKGROUND

A. Complainant's Factual Allegations

The Complainant is an owned subsidiary of Nestlé SA, the main operating company in the Nestlé Group founded by Henri Nestlé in 1866. The Nestlé Group is active in the sale of food products and related services around the globe, with the largest product categories including coffee and beverages. The Group markets its products in 190 countries, has about 275,000 employees worldwide, and has a physical presence in 80 countries. The Group is the largest publicly traded food and nutritional products company in the world and has been since 2014. The Group ranks 106th in Fortune magazine's 2024 Fortune Global 500 list. The

NESTLE brand has recently been recognized as the most valuable food brand in the world by independent publications such as Brand Finance.

B. Respondent's Factual Allegations

The Respondent has defaulted in this UDRP administrative proceeding and has consequently made no factual allegations. The Respondent is Yuse Takato, based at the address of 3-40-10-616 Minamisenju, Arakawa ku Tokyo, Postal Code 116-0003, Japan. The disputed domain name was registered on December 30, 2025 by the Respondent, as confirmed by the Registrar. The disputed domain name resolves to a “service unavailable” page and is being offered for sale.

PARTIES CONTENTIONS

A. COMPLAINANT

Language of Proceedings

The Complaint is written in English. According to the registrar's verification response, the language of the registration agreement for the disputed domain name is Japanese. The Complainant submitted a request for English to be the language of this administrative proceeding on the following grounds: i) the Respondent registered the disputed domain name in English term, which reflects its familiarity with English language; ii) the disputed domain name is being offered for sale on SEDO domains marketplace through English-language; iii) a translation of the Complaint into Japanese will entail significant additional costs for the Complainant; iv) conducting the proceeding in English would cause no unfairness or denial of justice to the Respondent.

The Complainant's contentions can be summarized as follows:

I. The disputed domain name is identical or confusingly similar to a trade mark in which the Complainant has rights

The disputed domain name <nestle.website> reproduces the Complainant's trademark in its entirety. The choice of <.website> gTLD by the Respondent accentuates the misleading association with the Complainant's trademark, which increases the likelihood of confusion as to the source, sponsorship or affiliation to the Complainant.

II. The Respondent has no rights or legitimate interests in respect of the disputed domain name

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name on the grounds: i) it does not have trademark rights in NESTLE; ii) it is not commonly known by NESTLE; iii) it has not received license or consent to use NESTLE trademark; iv) it has not used the disputed domain name for a bona fide offering of goods or services, nor for any legitimate non-commercial or fair use of the disputed domain name; v) it failed to prove its right or a legitimate interest in the disputed domain name.

III. The Respondent registered and is using the disputed domain name in bad faith

The Complainant submits that the Respondent registered the disputed domain name in bad faith on the grounds: i) previous UDRP Panel decisions have consistently held that the mere registration of a domain name that is identical or confusingly similar to a famous or widely known trademark by an unaffiliated entity can by itself create a presumption of bad faith. The NESTLE trademark is famous worldwide, including in Japan. The Complainant has been present in Japan since 1913, and today Nestlé Japan operates three factories with a strong brand portfolio in coffee, chocolate and nutrition products. Given the worldwide fame of the NESTLE trademark, and its long and continuous presence in Japan, the Respondent cannot plausibly claim ignorance of the Complainant's rights at the time of registration; ii) the domain name currently shows a page displaying the sentence "Service Unavailable No monetization channels available" and is offered for sale. The Respondent is "squatting" on the disputed domain name for the purpose of selling the disputed domain name to the Complainant; iii) the Respondent has not actively used the domain name since its registration. The mere registration and passive holding of a domain name also constitute bad faith; iv) the disputed domain name incorporating the Complainant's famous NESTLE trademark suggests affiliation with the Complainant and its online presence.

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

B. RESPONDENT

No administratively compliant Response has been filed

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

Language of Proceedings

The language of the registration agreement is Japanese. The Complainant has requested that the language of the proceedings be English. The Respondent did not respond to the issue of the language of the proceedings and did not reject the Complainant's request. The Panel is given discretion under Paragraph 11 of the Rules to determine the appropriate language of the administrative proceeding. Paragraph 10 of the Rules mentions that the Panel shall ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case.

Based on the following factors, the Panel has decided that it would be fair and equitable to both parties to have the language of the proceedings be English:

- The Complaint was written in English, an international language comprehensible to a wide range of internet users worldwide, including those living in Switzerland and in Japan;
- While determining the language of the administrative proceeding, the Panel has a duty to consider who would suffer the greatest inconvenience as a result of the Panel's determination. On the one hand, the determination of English as the language of this administrative proceeding – a widely spoken language – is unlikely to cause the Respondent any inconvenience. The determination of Japanese as the language of this administrative proceeding, on the other hand, is very likely to cause the Complainant inconvenience, and to interfere with the overall due expedition of the proceedings under the Rules. See case CAC-UDRP106643, Burberry Limited v Fei Cheng;
- The Complainant has requested that the language of the proceedings be English. The Respondent did not respond to reject the Complainant's request.

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

Paragraph 4(a) of the Policy provides that in order to be entitled to a transfer of the domain name; the complainant shall prove the following three elements:

(i) The domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights;

(ii) The respondent has no rights or legitimate interests in respect of the domain name; and

(iii) The domain name has been registered and is being used in bad faith.

Based on the above regulations under the Policy, what the Panel needs to do is to find out whether each and all of the above-mentioned elements are established. If all three elements are established, the Panel will make a decision in favor of the Complainant. If the three elements are not established, the claims by the Complainant shall be rejected.

The Respondent did not submit a Response of any argument against what the Complainant claimed and to show his intention to retain the disputed domain name as required by the Policy and the Rules. If the Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint. In view of the situation, the Panel cannot help but make the decision based primarily upon the contentions and the accompanying exhibits by the Complainant, except where there is an exhibit proving to the contrary.

I. Identity or Confusing Similarity

Pursuant to Paragraph 4(a) (i) of the Policy, a complainant must prove that the domain name is identical with or confusingly similar to a trademark or service mark in which the complainant has rights.

A. Complainant has rights in a trademark or service mark

The Complainant has provided evidence of ownership of valid trademark registrations for the trademark NESTLE, registered in 2002 and 2022 in numerous jurisdictions and classes as mentioned above in the IDENTIFICATION OF RIGHTS. The trademarks are still valid and their registration dates significantly predate the registration date of the disputed domain name, i.e. December 30, 2025. The Complainant therefore has rights in the trademark NESTLE.

B. The disputed domain name should be identical or confusingly similar to the trademark or service mark

The disputed domain name contains the Complainant's trademark NESTLE in its entirety. WIPO Overview 3.0, Paragraph 1.7 mentions: “In cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing”.

The Complainant’s trademark NESTLE is well-known, which was considered by previous UDRP Panel decisions: Société des Produits Nestlé SA v. nestleinr nestleinr, WIPO Case No. D2024-2525; Société des Produits Nestlé SA v. Prairie Web Development, WIPO Case No. D2024-0557; Société des Produits Nestlé SA v. Great Homes, WIPO Case No. D2024-2911; Société des Produits Nestlé SA v. Harsha Vardhan Mandarapu, WIPO Case No. D2023-4340; Société des Produits Nestlé SA v. Withheld for Privacy Purposes, Privacy service provided by Withheld for Privacy ehf / Godwin R, WIPO Case No. D2021-2864; Société des Produits Nestlé SA v. Withheld for Privacy Purposes Privacy Service Provided by Withheld for Privacy ehf / Hjhk Janmohamed, Nestle, WIPO Case No. D2021-2744.

As the disputed domain name incorporates the Complainant's mark in its entirety, Internet users may reasonably assume that the disputed domain name refers to the Complainant and its business.

As to the generic Top Level Domain “.website”, it is viewed as a standard registration requirement and as such can be disregarded for the purpose of assessing identity or confusing similarity.

Therefore, the Panel finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights according to paragraph 4(a) (i) of the Policy. Accordingly, the Complainant has proven that the first element required by paragraph 4(a) of the Policy is established.

II. Rights or Legitimate Interests of the Respondent

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name on the grounds: i) it does not have trademark rights in NESTLE; ii) it is not commonly known by NESTLE; iii) it has not received license or consent to use NESTLE trademark; iv) it has not used the disputed domain name for a bona fide offering of goods or services, nor for any legitimate non-commercial or fair use of the disputed domain name.

Once the Complainant makes out a prima facie case that the Respondent lacks rights or legitimate interests, the burden of production on this element shifts to
the Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the disputed domain name. If the Respondent fails to
come forward with such relevant evidence, the Complainant is deemed to have satisfied the second element. See WIPO Overview 3.0, paragraph 2.1.

Paragraph 4(c) of the Policy lists a number of circumstances which can be taken to demonstrate a respondent's rights or legitimate interests in a domain
name. However, the Respondent has failed to meet that burden. The Respondent did not submit any evidence to demonstrate any of the above circumstances.

Therefore, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name. Accordingly, the Complainant has proven that the second element required by paragraph 4(a) of the Policy is established.

III. Bad Faith

Under Paragraph 4(a) (iii) of the Policy, the Panel finds that the disputed domain name has been registered and is being used in bad faith on the following grounds:

The Respondent had knowledge of the Complainant’s trademark

The Panel finds that the Respondent had knowledge of the Complainant's trademark at the time of registration of the disputed domain name, considering the following circumstances:

WIPO Overview 3.0, paragraph 3.2.2 mentions: "Noting the near instantaneous and global reach of the Internet and search engines and particularly in circumstances where the complainant's mark is widely known (including in its sector) or highly specific and a respondent cannot credibly claim to have been unaware of the mark (particularly in the case of domainers), panels have been prepared to infer that the respondent knew, or have found that the respondent should have known, that its registration would be identical or confusingly similar to a complainant's mark". The Panel believes that before registration of the disputed domain name, the Respondent had made searches for the wording NESTLE and knew it was the trademark of the Complainant.

The Respondent had the intention to cause confusion

Given the well-known NESTLE trademark, it is implausible that the Respondent selected the disputed domain name without awareness of the Complainant and its trademark. As the disputed domain name incorporates the Complainant's mark in its entirety, Internet users may reasonably assume that the disputed domain name refers to the Complainant and its business. This further supports the conclusion that the Respondent registered the disputed domain name with the Complainant and its trademark in mind and with the intention of taking unfair advantage of the Complainant's reputation.

In view of the above circumstances, the Panel holds that the Respondent had knowledge of the Complainant's trademark at the time of registration of the disputed domain name. As the domain name would cause confusion to internet users, it should have avoided the registration, which is considered good faith, but it registered the disputed domain name. The Respondent deliberately sought to cause such confusion. Accordingly, the Panel finds that the disputed domain name has been registered in bad faith.

The Respondent is passively holding the disputed domain name

The disputed domain name is passively held. WIPO Jurisprudential Overview 3.0 paragraph 3.3 mentions that from the inception of the UDRP, panelists have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. While panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put.

See WIPO Case No. D2017-0246, <docmartens.xyz>, "Dr. Martens" International Trading GmbH and "Dr. Maertens" Marketing GmbH v. Godaddy.com, Inc. See WIPO Case No. D2000-0003, <telstra.org>, Telstra Corporation Limited v. Nuclear Marshmallows.

In this case, the Panel is convinced that the overall circumstances of this case strongly suggest that the Respondent's non-use of the disputed domain name is in bad faith. Such circumstances include all four circumstances mentioned in the Complainant's contention to support its argument that the disputed domain name is being used in bad faith.

The Respondent is selling the disputed domain name

Paragraph 4(b) of the Policy lists four alternative circumstances that shall be evidence of the registration and use of a domain name in bad faith by a respondent. Circumstance (i) indicates that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name.

The evidence provided by the Complainant shows that the disputed domain name is offered for sale. The Respondent's selling the disputed domain name convinces the Panel that the disputed domain name has been registered and is being used in bad faith, which meets the circumstance mentioned in Paragraph 4(b)(i).

Regarding the Complainant's contention on bad faith, the Respondent should rebut it, but it did not make any response, which strengthened the Panel's findings on its bad faith.

In view of all the above, the Panel finds that the disputed domain name has been registered and is being used in bad faith according to paragraph 4(a)(iii) of the Policy. Therefore, the Complainant has proven that the third element required by paragraph 4(a) of the Policy is established.

Decision

For all the foregoing reasons, in accordance with paragraph 4(a) of the Policy and Rule 15 of the Rules, the Panel orders that the disputed domain name be transferred to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **nestle.website**: Transferred

PANELLISTS

Name	**Yunze Lian**

DATE OF PANEL DECISION 2026-07-16